	Application No.	Applicant(s)
Notice of Allowability	09/966,408	GUTTA ET AL.
	Examiner	Art Unit	
	Brian Q. Le	2624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to _07/09/2007_.

2. ☒ The allowed claim(s) is/are _4-18, and 21-24 (renumbered as 1-19)_.

3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some*   c) ☐ None of the:

        1. ☐ Certified copies of the priority documents have been received.

        2. ☐ Certified copies of the priority documents have been received in Application No. _____ .

        3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

    * Certified copies not received: _____ .

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.

    (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached

        1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____ .

    (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____ .

    Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)

2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)

3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____

4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

5. ☐ Notice of Informal Patent Application

6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____ .

7. ☐ Examiner's Amendment/Comment

8. ☒ Examiner's Statement of Reasons for Allowance

9. ☐ Other _____ .

35 USC 112, SIXTH PARAGRAPH INTERPRETATIONS

1.   As indicated by Examiner Samir, Ahmed and recorded in the Applicant Arguments filed

07/09/2007, the interpretation of claim 11 as 35 USC 112, sixth paragraph was agreed by both

Applicant and Examiner Ahmed because elements of claim 11 expressed as a means or step for

performing specified function without the recital of structure, material, or acts in support thereof,

and such claim shall be construed to cover the corresponding structure, material, or acts

described in the specification and equivalents thereof, which described in FIG. 1 and pages 7-9

of the specification.

REASONS FOR ALLOWANCE

2.   The following is an examiner's statement of reasons for allowance:

        Regarding independent claims 4, 14 (similar in scope), 18, 21 (similar in scope) and 24

(similar in scope), the prior art of records do not show a method of classifying facial image data

comprises limitations of repeating steps of "inputting a vector including data representing a

portion of an unknown facial image to be recognized into said classifier"; "classifying said

portion of said unknown facial image according to a classification method at each iteration,

comparing a portion of the unknown image against a corresponding portion of the learned model

image for each class, and obtaining a confidence score for each classified portions;" and

"identifying a single class result from said different portions input to said classifier, applying a

rule to said confidence scores to obtain said single class result, said confidence score is a

probability measure that a current portion of an unknown facial image is identified with a class,

said applied rule including obtaining class having majority of class labels determined for each

unknown facial image." in combination with other limitations of the claims.

Regarding independent claims 8-9, and 22, the prior art of records do not teach a method

of classifying facial image data comprising a Radial Basis Function Network for classifying

image potions wherein the training steps specifically described in the claims and in combination

with other limitations of the claims.

Regarding claim 11, the prior art of records do not teach an apparatus for classifying

facial image data comprising neural network structure and method as described in the

specification (FIG. 1 and pages 7-9) since the claim has agreed to be interpreted under 35 USC

112, sixth paragraph.

3.   Any comments considered necessary by applicant must be submitted no later than the

payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for

Allowance."

CONTACT INFORMATION

4.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Q. Le whose telephone number is 571-272-7424. The examiner can normally be reached on 8:30 A.M - 5:30 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Bella can be reached on 571-272-7778. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Brian Le
July 24, 2007